UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Joni Hammond, Deputy Director
Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204

Dear Ms. Hammond:

On March 9, 2016, you requested that the Environmental Protection Agency (EPA) provide a regulatory interpretation regarding the applicability of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Glass Manufacturing Area Sources, 40 CFR, Part 63, Subpart SSSSSS (Subpart SSSSSS) to tank furnaces at art glass manufacturers in Portland, Oregon. Based on your description of the operation of these tank furnaces, and information gathered by EPA, we believe that these furnaces would be subject to Subpart SSSSSS, absent any relevant considerations not mentioned in your letter. Our understanding of the facts and our reasoning are set out below.

As you described in your letter, although there are three criteria for whether a furnace is an affected facility, you are only seeking guidance on the criteria that the furnace is a "continuous furnace." Our definition of "continuous furnace" is "a glass manufacturing furnace that operates continuously except during periods of maintenance, malfunction, control device installation, reconstruction, or rebuilding." (40 CFR, §63.11459)

The day tanks you described at Uroboros and Bullseye are similar to those used at other facilities in the colored glass industry. They are refractory furnaces that melt glass in a batch process but are continuously operated. Once a furnace is built and brought up to temperature, it is continuously operated at around 2000° F or higher until the end of the furnace's refractory life when it is cooled to ambient temperatures and rebricked prior to the start of a new campaign. During the life of the furnace, glass is produced in 24 hour melt cycles and generally on a production schedule (either part time or full time). During glass production, the furnaces operate generally around 2500° F. Depending on the facility, the furnaces may not hold or melt glass for a day or two on the weekend or intermittently based on demand. They also may idle to closer to 2000° F during holidays or production breaks. However, natural gas is fired and the furnace stays at a high temperature at all times, with only the exemptions outlined in the definition of "continuous furnace" in Subpart SSSSSS.

In response to stained glass company commenters on Subpart SSSSSS who indicated they operate "small periodic furnaces", the EPA stated:

> *Therefore, we have revised § 63.11448 to specify that periodic or pot furnaces are not subject to the final Glass Manufacturing Area Source NESHAP. We believe this revision will address most of the concerns of the stained glass manufacturing sector as well as other sectors and organizations, such as artisans, schools, studios, and other small facilities that produce glass using periodic furnaces. 72 FR 73186 (December 26, 2007)*

In choosing to exempt non-continuous furnaces, the EPA focused on their operation being periodic. A furnace that shuts down seasonally or is only operated for portions of the year would not be considered a continuous furnace. This revision was meant to address the concerns of small operators or artisanal shops which may turn kilns/furnaces on and off regularly. The furnaces you describe are kept hot (operated) for a year or more between rebrickings and produce glass on a routine schedule.

Consequently, based on the information provided and our understanding of operations at the facilities in question, we believe that, consistent with the intent of the definitions in Subpart SSSSSS, the art glass tank furnaces in question are "continuous furnaces" and are therefore subject to Subpart SSSSSS.

We recognize that there may be some confusion within the art glass industry about this rule. As a result, we encourage you to work with affected companies to ensure that they take appropriate steps to comply with the rule following today's clarification.

Please note that this response is a non-binding regulatory interpretation based on the information provided by Oregon Department of Environmental Quality (Oregon DEQ) and information gathered by EPA. This response should not be considered an applicability determination, nor does it represent final Agency action, since it is not in response to a facility request. Oregon DEQ may, in its discretion, consider this interpretation and any other relevant information it has in determining the applicability of Subpart SSSSSS to any facilities in its state.

If you have further questions, please contact Patrick Yellin of my staff at (202) 564-2970, or yellin.patrick@epa.gov.

Sincerely,

Edward J. Messina, Director
Monitoring, Assistance, and Media Programs Division
Office of Compliance